

determination remains with this Court. *Matthews v. Weber*, 423 U.S. 261, 270-271 (1976).

With regard to Plaintiff's instant action, the Magistrate recommends that the District Court dismiss the complaint *without prejudice* and without issuance and service of process. The Magistrate recommends dismissal based upon his determination that the federal court lacks subject matter jurisdiction (federal question or diversity) over Plaintiff's claims. *See* 28 U.S.C. §§ 1331, 1332. Plaintiff has not issued any objections to the Magistrate's recommendation. Upon consideration of Plaintiff's factual allegations, this Court is inclined to take the view of the Magistrate and finds that the Plaintiff has failed to present any justiciable claims. This Court further observes that Plaintiff has also filed an amended complaint. However, because Plaintiff's amended complaint does not allege any additional facts, the amended complaint has failed to remedy the aforementioned defects of Plaintiff's claims.

Having reviewed the entirety of this case, including the Magistrate's Report and Recommendation, and Plaintiff's complaints, this Court approves the recommendation of the magistrate. Accordingly, this action is hereby **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

S/Matthew J. Perry, Jr.
Matthew J. Perry, Jr.
Senior United States District Judge

March 7, 2008
Columbia, South Carolina